

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In Re: COOK MEDICAL, INC., IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

This Document Relates to:

Teresa Haney

Civil Case # 1:19-cv-04771-RLY-TAB

**MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR
LEAVE TO FILE SECOND AMENDED SHORT FORM COMPLAINT**

COMES NOW, Michael Koenck, surviving son of Teresa Haney, and files this motion to substitute. Michael Koenck is eligible to serve as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support thereof, Plaintiff respectfully shows the court the following:

1. Plaintiff Teresa Haney filed her Short Form Complaint in the United States District Court for the Southern District of Indiana on December 3, 2019.

2. Plaintiff Teresa Haney died on or about July 5, 2021.

3. On October 29, 2025, Plaintiff's counsel filed a Notice of Suggestion of Death pursuant to Federal Rule of Civil Procedure 25(a)(1). *See* Doc. No. 27366. Plaintiff's counsel recently learned of the death of Teresa Haney after contacting her son.

4. Michael Koenck, surviving son of Teresa Haney, is the proper party plaintiff to substitute for Plaintiff-decedent Teresa Haney and to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a party dies, and the claim is not extinguished, the court may order substitution of the proper party.

A motion for substitution may be made by any party or by the decedent's successor or representative."

5. Plaintiff thus moves to substitute Michael Koenck, as Heir and Representative of the Estate of Teresa Haney, Deceased, as Plaintiff in the present action.

6. Plaintiff also moves to amend the Complaint, as well as the caption of the Complaint, to correct the proper Plaintiff (specifically, Michael Koenck, as Heir and Representative of the Estate of Teresa Haney, Deceased) and to update and include information, allegations, and actions within the Complaint to reflect that Plaintiff Teresa Haney is now deceased.

7. A proposed Second Amended Short Form Complaint is attached hereto as Exhibit "A".

8. Pursuant to Federal Rules of Civil Procedure 15(a)(2), a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

WHEREFORE, counsel for Plaintiff requests this Court for the following relief (1) the Court substitute Michael Koenck, as Heir and Representative of the Estate of Teresa Haney, Deceased, as Party Plaintiff for Teresa Haney; (2) the Court grant leave to file the attached Second Amended Short Form Complaint; Case 1:19-cv-04771-RLY-TAB; and, (3) the Court deem the attached Second Amended Short Form Complaint filed instant. A proposed Order is attached hereto as Exhibit "B".

Dated: January 27, 2026.

Respectfully Submitted,

/s/ Thomas Wm. Arbon

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Thomas Wm. Arbon

Thomas Wm. Arbon